

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEVARES WILLIAMS,

Plaintiff,

v.

Case Number 09-14770

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

MICHIGAN DEPARTMENT OF
CORRECTIONS,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING THE PLAINTIFF'S COMPLAINT**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on December 29, 2009 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1 recommending that the Court dismiss the plaintiff's case *sua sponte* for failure to state a claim. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 6] is **ADOPTED**, and the plaintiff's complaint is **DISMISSED** pursuant to 28 U.S.C. §§

1915A(b), 1915e(2)(B) and 42 U.S.C. § 1997e(c)(1) for failure to state a claim

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: January 15, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 15, 2010.

S/Teresa Scott-Feijoo

TERESA SCOTT-FEIJOO